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NEW CASTLE CORP. INC.  
dba EXCALIBUR HOTEL & CASINO

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANDREA HERBERT,  
Plaintiff,

vs.

NEW CASTLE CORPORATION, a  
Nevada Corporation, dba EXCALIBUR  
HOTEL & CASINO; and DOES 1-50,  
inclusive,

Defendant.

Case No. 2:17-cv-02410-APG-PAL

**STIPULATED DISCOVERY PLAN AND  
SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE IN  
WITH LR 26-1(b)**

The parties, Plaintiff ANDREA HERBERT ("Plaintiff") and Defendant NEW CASTLE CORP. INC. ("Defendant"), by and through their respective attorneys of record, hereby submit this Stipulated Discovery Plan and Scheduling Order pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(b).

**1. Fed. R. Civ. P. 26(a) Initial Disclosures:**

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule of Court 26-1(a), on October 19, 2017, counsel for Plaintiff, Theresa Santos, Esq., and counsel for Defendant, Sandra Ketner, Esq., conducted a meeting to discuss the relevant issues for discovery, possible early resolution of the matter, and other pertinent issues. Pursuant to these discussions, the parties agree that they will serve their initial disclosures on or before

1 November 2, 2017.

2 **2. Discovery Cut-Off Date:**

3 Discovery will take not more than one hundred eighty (180) days from September  
4 20, 2017, which is the date of Defendant's filing of its Answer to Plaintiff's Complaint.  
5 Accordingly, all discovery must be completed no later than March 19, 2018.

6 **3. Amending the Pleadings and Adding Parties:**

7 The date for filing motions to amend the pleadings or to add parties shall not be  
8 later than ninety (90) days prior to the discovery cut-off date and, therefore, not later than  
9 December 19, 2017.

10 **4. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):**

11 In accordance with Rule 26(a)(2), initial disclosures identifying experts shall be  
12 made sixty (60) days prior to the discovery cut-off date, and therefore, not later than  
13 January 18, 2018, and disclosures identifying rebuttal experts shall be made thirty (30)  
14 days after the initial disclosure of experts and, therefore, not later than February 19, 2018  
15 (30 days after January 18, 2018 is February 17, 2018, which is a Saturday).

16 **5. Dispositive Motions:**

17 The parties shall file dispositive motions not more than (30) days after the discovery  
18 cut-off date and, therefore, not later than April 18, 2018.

19 **6. Pretrial Order:**

20 If no dispositive motions are filed, and unless otherwise ordered by this Court, the  
21 Joint Pretrial Order shall be filed not more than thirty (30) days after the date set for filing  
22 dispositive motions and, therefore, not later than May 18, 2018. If dispositive motions are  
23 filed, the deadline for filing the joint pretrial order will be suspended until 30 days after  
24 decision on the dispositive motions or further court order.

25 **7. Fed. R. Civ. P. 26(a)(3) Disclosures:**

26 If no dispositive motions are filed, and unless otherwise ordered by this Court, the  
27 parties shall file the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections  
28 thereto with the Pretrial Order pursuant to LR 26-1(e)(6) in the Joint Pretrial Order, not

1 more than thirty (30) days after the date set for filing dispositive motions and, therefore,  
2 not later than May 18, 2018.

3 **8. Interim Status Report:**

4 In accordance with Local Rule 26-3, an Interim Status Report will be filed by the  
5 parties with the Court sixty (60) days prior to the discovery cut-off date, and therefore, not  
6 later than January 18, 2018.

7 **9. Alternative Dispute Resolution:**

8 The parties certify they have met and conferred about the possibility of using  
9 alternative dispute-resolution processes including mediation, arbitration and early neutral  
10 evaluation.

11 **10. Alternative Forms of Case Disposition:**

12 The parties certify they have considered consent to trial by a magistrate judge under  
13 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General  
14 Order 2013-01).

15 **11. Electronic Evidence:**

16 The parties certify they have discussed whether they intend to present evidence in  
17 electronic format to jurors for the purposes of jury deliberations. Discussions between the  
18 parties will be ongoing as the trial date approaches and they stipulate that they intend to  
19 present any electronic evidence in a format compatible with the Court's electronic jury  
20 evidence display system.

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**12. Extensions or Modifications of the Discovery Plan and Scheduling Order:**

In accordance with Local Rule 26-4, a stipulation or motion for modification or extension of this discovery plan and scheduling order must be made no later than twenty (21) days before the expiration of the subject deadline.

Dated: October 19, 2017

Dated: October 19, 2017

/s/Daniel R. Watkins  
DANIEL R. WATKINS, ESQ.  
WATKINS & LETOFSKY, LLP

Attorneys for Plaintiff  
ANDREA HERBERT

/s/Sandra Ketner  
PATRICK H. HICKS, ESQ.  
SANDRA KETNER, ESQ.  
LITTLER MENDELSON, P.C.

Attorneys for Defendant  
NEW CASTLE CORP. INC.  
dba EXCALIBUR HOTEL & CASINO

**ORDER**

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

Dated this 20th day of October, 2017.

**PROOF OF SERVICE**

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 200 S. Virginia Street, 8<sup>th</sup> Floor, Reno, NV. On October 19, 2017, I served the within document(s):

**STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER**

☒ By **CM/ECF Filing** – Pursuant to FRCP 5(b)(3) and LR 5-4, the above-referenced document was electronically filed and served upon the parties listed below through the Court's Case Management and Electronic Case Filing (CM/ECF) system:

Daniel R. Watkins  
WATKINS & LETOFSKY, LLP  
8215 South Eastern Avenue  
Suite 265  
Las Vegas, NV 89123

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 19, 2017, at Reno, Nevada.

/s/ Esperansa Reinold  
Esperansa Reinold

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